

application was granted by Magistrate Judge Brian L. Owsley on March 21, 2007. (See D.E. 8, ¶ 2, "Based on the information provided in the pending motion, petitioner's motion to proceed *in forma pauperis*, (D.E. 7) is GRANTED.").

On June 18, 2007, Petitioner filed his second application to proceed *in forma pauperis*, which is currently before this Court (D.E. 18). Petitioner has filed this second application in connection with an appeal to the United States Court of Appeals for the Fifth Circuit.²

As noted above, Petitioner has already been granted leave to proceed *in forma pauperis* in the above-styled action (D.E. 8). Petitioner does not require a new order granting him leave to proceed *in forma pauperis* on his appeal. See Fed. R. App. P. 24(a)(3) (emphasis added) (unless a statute provides otherwise or the district court has certified that the appeal is not taken in good faith, "[a] party who was permitted to proceed in *forma pauperis* in the district-court action ... may proceed on appeal in *forma pauperis* without further authorization").³ Accordingly, Petitioner's second application to proceed *in forma pauperis* (D.E. 18) is MOOT, as the Petitioner seeks relief that has already been

²Petitioner filed his "Notice of Appeal" on June 18, 2007 (D.E. 17).

³This Court notes that it makes no finding as to whether Petitioner's appeal (D.E. 17) is "not taken in good faith". Fed. R. App. P. 24(a)(3)(A).

GRANTED by a previous court order.

SIGNED and ENTERED this the 28th day of June, 2007.

A handwritten signature in black ink, reading "Janis Graham Jack", is positioned above a horizontal line.

Janis Graham Jack
United States District Judge